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	Application Number	09/202,838	
	Filing Date	1/21/2001	
	First Named Inventor	Verdaguer	
	Group Art Unit	1631	
	Examiner Name	S. Zhou	
Total Number of Pages in This Submission		Attorney Docket Number	TSRI 504.1

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### ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <ul style="list-style-type: none"> <li>- Response to Restriction Requirement</li> <li>- postcard</li> </ul>
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
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Remarks		

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Emily Holmes
Signature	
Date	7/27/2001

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*Ariel Fletcher*

Ariel Fletcher

*7/27/2001*

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8/1/9

Date of Deposit

Applicant: Verdaguer, et al.	)
	)
Serial No.: 09/202,838	) Group Art Unit: 1631
	)
Filed: January 21, 2000	) Examiner: S. Zhou
	)
Title: CASSAVA VEIN MOSAIC VIRUS	)
PROMOTERS AND USES THEREOF	) Our Ref.: TSRI 504.1
	)

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

This communication is in response to the Restriction Requirement mailed June 27, 2001 (Paper No. 11). The response is filed within the extension-free period thus making this response a timely filing.

The Examiner has indicated in the Action that pending claims 1-15 comprise four different groups of inventions for purposes of examination. The Examiner argues that the separate groups are required because the polynucleotide sequence claimed in Group I is not novel over a published GenBank sequence of the complete nucleotide sequence of Cassava vein mosaic virus (CaMV). Applicants respectfully traverse the Restriction Requirement and submit that the restriction on this basis is not proper as the invention claimed in Group I is novel, is generic in scope and provides the special technical feature linking the four described groups. Applicants further submit that the Examiner is incorrect

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July 25, 2001

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in stating that the promoter sequence as presently generically claimed is not novel in view of the GenBank sequence. Applicants, however, defer any argument on the basis of novelty until an appropriate response to a PTO Action where statutory rejections to claims are made. For the present Action, Applicants contend that a more appropriate grouping of inventions is to define the claims as one group with a requirement to elect a species of CaMV promoter in the event that the generic claims are not held to be allowable.

However, in view of the present restriction by the Examiner and to be responsive to the present restriction, Applicants elect, with traverse, group I as it is currently defined that includes claims 1-9 having a CaMV promoter sequence as defined in claim 1.

The Examiner has also indicated that if one of groups I-IV is elected, Applicants are required to elect a species of a particular promoter sequence. In the event that the generic claim is not held to be allowable, Applicants elect the species of pA (SEQ ID NO 3).

Please enter the above-identified response to Restriction Requirement.

Respectfully submitted,

July 27, 2001  
Date

  
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Emily Holmes, Reg. No. 40,652

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